

My Lord,

Medicina

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1777. 6. 1.
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THE importance of the Subject to a great number of Families, will I hope induce your Lordship to pardon my Presumption in laying before you some Observations on the Bill now depending for the better viewing Medicines; &c. wherein I shall confine my self to an Enquiry into the Pretences set up by the College, of being the only Competent and proper Judges of Drugs and Medicines. In the next place, How far an Unlimited and Arbitrary Power is fit to be given in a Case of this Nature, and the Consequences that may attend it: And Lastly, Whether the views of Power and private Advantage, may not more probably have been the Motives of the great Application and Pains by them taken, than the Publick Good.

As to the first Point, it is to be considered, That the Knowledge of Physick in all its Parts, is a Province too large and diffusive for any one Man to pretend to in any considerable degree; and therefore has been always (especially in populous Places) exercised by three distinct Persons, viz. the Physician, the Apothecary, and the Surgeon: Its readily granted, that as the part of the Physician is the most Difficult, so it carries with it the greater Honour and Profit; But it must be allowed, that the Education of the Apothecary, and his continual Employment amongst Drugs and Medicines, does more properly qualify him for the choosing and judging of the *Materia Medica*. And certainly a Physician is no more blamable for being unacquainted with many parts thereof than an Architect for not performing the part of a Mason, or a Mathematician that of a Watch-maker. And as to the Censors Skill in Compounds, they have given the World a convincing Proof by their *Pharmacopœia* lately published.

The vesting the Censors with the Power of Judging (which was not given them by the Act of Hen. 8.) and thereby as conceived constituting them a Court with Authority (little less than that of the Inquisition) of proceeding to Try and Condemn upon View, without Summons, without Witnesses, without Hearing the Party, and without Appeal (and this not only of the Goods and Property of Persons, but of their Reputation, which every Honest Man holds equally dear with his Life) carries with it something so shocking, and so disagreeable to our present Happy Constitution, that its hard to conceive that an old antiquated Law could encourage any hopes to revive the same at this time a day, when we are so frequently told, That no Person can be ousted of his Goods, his Lands, or his Life, but by the Lawful Judgment of his Equals; that this is the very Birth-right of every Britton, and the Foundation on which the Superstructure of our Laws are Built. This Argument abounds with great variety of Reflections; but its needless to say more, than that no Court in this Kingdom has, or pretends to, the like Jurisdiction.

Its easie to conceive, that a Power so vast and unlimited may be used to purposes not now thought of, and that no Considering Person can be ever at Rest under the servile Slavery and Dependance that must be the Consequence of it; and indeed it is for the Patients Interest as well as Safety, That the Choice of his Apothecary, and the Obligation that arises from it, should rather depend on himself than on the Physician, in which case there have been frequent instances of Collusion, by *Nostrums* and pretended Secrets.

The College have not been wanting formerly to give us good Specimens of the Use they can make of Power, as in the Cases of several Apothecaries, and particularly one *Rose* whom they Sued; for that one *Seale*, a poor Butcher, being Sick, had sent to him for Medicines; and that *Rose*, at his Request, without Advice of a Physician, and without any Fee for his own Advice, had sold him several Medicines as proper for his Distemper. And in the Case of Dr. *Groenvelt* one of their own Members, long detained in Prison for a pretended *mala Praxis*, six Years after the Medicine given. Not to mention the arbitrary and illegal By-Laws made by the College, giving Power to the President and Censors to declare whom

ever

ever they thought fit, to be practising Apothecarys; and then forbidding all their Members under great Penalties, and of Expulsion for the third Offence, to write to or employ any Apothecary whom the President shou'd in their Comitys declare to be a practising Apothecary, which they are pleased to distinguish by the Name of *discomuning*.

The Care taken by the College, to procure a Grant from the Crown, of the King's Moiety of all former Penaltys, and in this intended Act, to have the whole given them, with the sole Right of Action, exclusive of all others, seems to be an evident Proof of their Aim to joyn Power and Profit together; and what Influence this may have upon their Proceedings, may easily be conceived: At least it takes away all Hopes of Redress, by appealing from the Censors to the other Members of the same Body, who are not only Partakers of the Fines, but are themselves under the Government and Correction of those very Censors, and consequently not so proper to be Judges. And the Reason may now be well guessed at, why the College, when the Apothecarys attended them with Heads of a Bill for destroying bad Drugs and Medicines, and punishing the Offenders in a known and legal Way, (*viz.*) by an Information in the King's Bench, and Tryal by a Jury, refused to intermeddle therein, and insisted that they and the Wardens had a sufficient Power already. *I am*

*Your Lordship's most humble and
most obedient Servant.*



*bill read
12 Feb. 1724.*

Occasioned by the BILL for
Viewing of Medicines, &c.

A Noble Lord,

LETTER